



## FREQUENTLY ASKED QUESTIONS

*The California Blue Ribbon Commission on Children in Foster Care released its draft recommendations for improving foster care outcomes on March 14, 2008. Public comment is now being solicited. Visit the commission's website to learn more about the commission's draft recommendations: [www.courtinfo.ca.gov/blueribbon](http://www.courtinfo.ca.gov/blueribbon).*

### **What is the purpose of the Blue Ribbon Commission?**

- The purpose of the commission is to recommend to California's Judicial Council the steps that courts and their partners can take to improve outcomes for children in foster care. (The Judicial Council is the policy-making body for the judicial branch of government.)

### **Why do we need a focus on the role of courts and foster care?**

- The courts play an important statutory role in foster care, overseeing critical decisions on the removal of children from their homes, services they and their families will receive, and where and with whom children will live. As Chief Justice Ronald M. George has noted, the courts are vested with providing protection, due process, and supervision as demanded by the law.
- Every one of the nearly 80,000 children in foster care comes before a dependency court. More than half of our state's foster children are in care for more than two years and shuttle unacceptably between multiple foster homes, often separated from their siblings and any sense of stability that they may have. These are children caught in "foster care limbo."
- The commission was appointed by the Chief Justice in 2006 and reflects the seriousness of the judiciary in supporting court and foster care reforms. It is the first statewide body to focus on the courts' leadership role in foster care and child welfare.

### **Who serves on the commission?**

- The commission is a high-level, multidisciplinary panel, including a wide range of participants with experience and expertise in child welfare. It includes judges, attorneys, legislators, child welfare directors, community leaders, academics, tribal leaders, philanthropists, foster youth, caregivers, and child advocates.

### **Why does California need "another blue ribbon commission" to examine foster care? Isn't there already an understanding of the problems and what needs to be done?**

- Few efforts have focused on the role of the courts in improving foster care outcomes. California's Blue Ribbon Commission builds on the work and momentum of the national Pew Commission on Children in Foster Care and its examination of the ways in which courts can improve foster care outcomes.
- The Blue Ribbon Commission is needed to call public attention to a dependency court system that is chronically overstressed and underresourced. We have fewer than 150 full-time and part-time judicial officers who preside over the state's entire dependency court system. Our full-time judicial officers carry an average caseload of 1,000. The median

time for a court hearing is only 10–15 minutes, far less than the recommended 30–60 minutes. Attorneys who represent children and parents in court have an average caseload of 273, which far exceeds the caseload standards of 188 for attorneys recently adopted by the Judicial Council. With such an overburdened system, we are not always able to meet our legal obligations for timely hearings or make sure children and parents have a voice in court.

- The Blue Ribbon Commission looked specifically at how the courts and a range of agencies work together on behalf of foster children and their families. Many families struggle with a complex set of problems, often influenced by poverty, substance abuse, mental health problems, and domestic violence. These families are likely to be involved with more than one state agency at a time and sometimes get conflicting advice or case plans. The commission wants to coordinate the work of these agencies and make sure they do a better job of sharing data and information.

**How is this commission or its recommendations different from other reform efforts that have come before it?**

- This commission was specifically charged with developing “politically viable” recommendations for the Judicial Council – in short, concrete and practical steps that can be taken to improve foster care outcomes. Because that is what we have done, the recommendations can be readily implemented. When we present our final recommendations to the Judicial Council in August we will provide an implementation plan that includes key milestones for ensuring accountability and measuring our success.
- Other key factors that help differentiate this commission include: 1) diverse membership on the commission, including foster youth; 2) broad outreach and collaboration during the life of the commission in working with child welfare and other agencies responsible for children and families; 3) the opportunity for public and stakeholder feedback during a 60-day comment period *before* the recommendations are finalized; 4) an implementation plan that will take into account the state’s fiscal realities as well as the long-term goal of improving the lives of foster children and their families; and 5) formation of local commissions (co-led by courts and child welfare agencies) to guide implementation of reforms.

**What is the commission recommending?**

- Chief among our recommendations are that we 1) keep families together whenever it is safe and possible to do so; 2) change the way that dependency courts do business in California; 3) increase collaboration between courts and their partners to better serve children and their families; and 4) provide the resources that are needed to get the job done.

**Specifically, what are the commission’s recommendations?**

- First and foremost, we recommend keeping families together whenever it is safe and possible to do so, providing services that address a family’s needs. If a child must be removed, we recommend that family reunification happen as soon as possible or that another permanent home be found. We also recommend increasing efforts to find relatives who can play a role in a child’s life. And we recommend that the federal and state government extend the age for youth to receive foster care assistance from age 18 to age 21.
- In the area of court reform, we recommend a series of targeted reforms to increase court performance and accountability, and to ensure a meaningful voice for children and

families in the court process. Key proposals include implementation of reasonable caseloads for judicial officers and dependency court attorneys, court performance measures, a single judge to hear each case from beginning to end, and judicial assignments of at least three years.

- In the area of collaboration between courts and their partners, we call for strengthening communication, building and implementing better data systems, and ensuring access to data and information across agency lines. We are also calling for the creation of local commissions that will bring together the courts, child welfare, and other key agencies to address local barriers to services.
- In the area of resources and funding, we need adequate and flexible funds. We urge Congress to allow states to use federal foster care dollars flexibly and we call on the courts and all our partner agencies in California to prioritize foster children and their families when making decisions about services and allocation of resources.

#### **Why is the commission issuing its recommendations as draft recommendations?**

- Our recommendations are draft recommendations so that we can use a 60-day public comment period to hear from the public and the various stakeholders that are involved in child welfare. After the public comment periods ends in May, the commission will meet in June to finalize the recommendations and prepare a final report for submission to the Judicial Council in August. Our final report will also include an implementation plan.

#### **The recommendations call for judicial and attorney caseload standards. What standards are being recommended?**

- Currently, there are no approved judicial caseload standards in California. That is why we are recommending a caseload study to determine what is needed and urge the Judicial Council to set standards based on that review. We know that the current average caseload of 1,000 for full-time judicial officers is far too high.
- In terms of attorney caseload standards, we are recommending that the Judicial Council seek the funding needed to implement the caseload standards for attorneys that it recently adopted.
- Recommended attorney caseload standards are 188 cases per attorney (for attorneys who have appropriate support staff). Currently, the statewide average is 273, with some counties experiencing caseloads of more than 500 to 600.

#### **What are court performance measures?**

- Court performance measures will assist the courts in meeting mandated timelines for dependency hearings, securing due process for all and, along with child welfare agencies, improving safety, permanency and well-being outcomes for children and families under the jurisdiction of the juvenile dependency court.
- Examples of court performance measures include: number of continuances, sibling placements, appointment of counsel, length of dependency court hearings, timeliness of permanency hearings and recurrence of maltreatment.
- Court performance measures are now required by state law. To advance their adoption and implementation, the commission has developed measures for the Judicial Council to consider.

#### **How much will it cost to implement the commission's recommendations?**

- It is important to note that there is a broad spectrum of resources that can be leveraged to implement the commission's proposed reforms, including related efforts that are already

- In terms of fiscal impact, not all of the commission's recommendations will cost money. Some recommendations have little fiscal impact, focusing on structural issues within the courts. Many call for using existing resources differently, implementing policies already in place, or phasing in proposals over time in order to reduce reliance on new funds. Other proposals call on Congress to give states more flexibility in how they use federal child welfare funds.
- If the commission's recommendations are implemented successfully, we project that there will be fewer children in foster care or in other more costly out-of-home placements. Money saved can be invested to pay for these reforms.
- Some of the commission's recommendations *will* cost money and we need to find the public will and resources to get the job done. In tough budget times, we may not be able to do everything at once, but we must have a plan for how we will meet our legal obligations.

**What will it cost if we do *not* implement these needed reforms?**

- The cost of inaction dwarfs the resources that are needed to meet our legal obligations to foster children. Children who grow up in foster care face increased risks of dropping out of school, unemployment, homelessness, mental illness, and becoming involved with the criminal justice system. All of these present fiscal costs to society, not to mention the tragedy they represent for the young people themselves.
- We can either invest the dollars that are needed upfront – or continue to pay far more in terms of the costs to society.

**If the commission's recommendations are implemented, what improvements will we see?**

- Some recommendations will lead to rapid and meaningful improvement when they are implemented. For example, reducing caseloads should immediately translate to more time for attorneys to spend with foster children and their parents and more time for judicial hearings in court. With reduced caseloads and longer hearings, judges should be able to make sure everyone understands the decisions made in hearings and be able to invite more participation from children and their families.

**Where can one learn more about the commission's recommendations?**

- Visit the commission's website to read the full set of draft recommendations and other information about foster care reform: [www.courtinfo.ca.gov/blueribbon](http://www.courtinfo.ca.gov/blueribbon). It is also possible to submit public comments on the draft recommendations through the commission's website (or also by mail or fax).